

**OUTTEN & GOLDEN LLP**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RENE HERNANDEZ, REBECCA HESTON,  
JEFFREY STEINBERG, TRINITY GRAY, ERIC  
EBANKS, and WILLIAM ROGERS, individually  
and on behalf all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.; MERRILL  
LYNCH, PIERCE, FENNER & SMITH, INC.,  
and BANK OF AMERICA CORPORATION,

Defendants.

**No. 11 Civ. 8472 (KBF) (DCF)**

**NOTICE OF PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS' FEES  
AND REIMBURSEMENT OF EXPENSES**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Approval of Attorneys' Fees and Reimbursement of Expenses, and in the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Approval of Attorneys' Fees and Reimbursement of Expenses and Motion for Approval of Service Awards and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) awarding Class Counsel attorneys' fees of 33% of the Settlement Fund (\$2,310,000);
- (2) awarding Class Counsel \$35,390 in expenses; and
- (3) granting such other, further, or different relief as the Court deems just and proper.

Dated: March 6, 2013  
New York, New York

Respectfully submitted,

By: /s/ Justin M. Swartz  
Justin M. Swartz

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***Attorneys for Plaintiffs and the Class and  
Collective***